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DOCKET NO. 12665.46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Biggs Jr. et al.

Serial No.: 09/752,759

Filed: 12/28/2000

For: SYSTEM FOR ACCESSING
AMENITIES THROUGH A PUBLIC
TELEPHONE NETWORK§ Assignee: Message Phone, Inc.
§
§
§ Group Art Unit: 2643
§
§ Examiner: Unknown
§
§ LARGE ENTITY STATUS CLAIMED
§
§Commissioner for Patents
Washington, DC 20231

RECEIVED

AUG 2 2001

OFFICE OF PETITIONS

SUBMISSION OF FEES PURSUANT TO 37 C.F.R. § 1.28(c)

Dear Sir:

Applicants request the above-identified application for Re-Issue, be withdrawn from erroneously claimed SMALL ENTITY STATUS.

United States Patent 5,323,448, from which the subject Re-Issue Application is based, was originally filed on March 11, 1993 and included therewith a Verified Small Entity Statement, which was filed in good faith. However, after the patent issued, the assignee (Message Phone, Inc.) licensed the patent to OnCommand Corporation, a large entity. Therefore, United States Patent 5,323,448, thereafter became classified as LARGE ENTITY.

In preparation of the subject Re-Issue Application, Applicants inadvertently overlooked the above-noted status change to LARGE ENTITY in the parent issued patent. Therefore, the small entity status is hereby withdrawn and the differences in filing fees for the subject re-issue application are submitted herewith.

A check in the amount of \$723.00 is attached for the differences between the amount of fees originally paid and the amount that now would be due if the fees were paid today without a claim of small entity status. The fees due are itemized below in accordance with 37 CFR §1.28(c)(2)(ii).

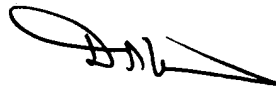
08/02/2001 SLUANG1 00000014 081394 09752759

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|-----------|-----------|
| 01 FC:108 | 710.00 OP |
| 02 FC:109 | 480.00 OP |
| 03 FC:110 | 126.00 OP |
| 04 FC:105 | 10.00 CH |
| | 126.00 OP |

| Fee Due | Fee Paid under Small Entity Status | Difference Owed for Large Entity Status |
|--|------------------------------------|---|
| INITIAL FILING FEE | \$355 | \$355 |
| 7 TOTAL CLAIMS EXTRA OVER 20 IN ORIGINAL PATENT | \$63 | \$63 |
| 6 TOTAL INDEPENDENT CLAIMS OVER 8 IN ORIGINAL PATENT | \$240 | \$240 |
| MISSING PARTS SURCHARGE FOR LATE DECLARATION | \$65 | \$65 |
| TOTAL FEES DUE FOR CLAIM OF LARGE ENTITY | | \$723 |

The Commissioner is hereby authorized to credit any overpayment or charge any deficiencies in fees to the Deposit Account of Haynes and Boone, LLP 08-1394. **This form submitted in duplicate.**

Respectfully submitted,



David L. McCombs
Registration No. 32,271

Date: 7-25-01

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File: 12665.46
d-920695.1

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| <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, Washington, D.C. 20231</p> <p>on <u>7-26-01</u> <u>Dayle Conner</u></p> |
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